

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

HASSAN CHERRY,	:	CIVIL ACTION NO. 09-1499 (MLC)
	:	
Plaintiff,	:	<b>MEMORANDUM OPINION</b>
	:	
v.	:	
	:	
COUNTY OF MIDDLESEX, et al.,	:	
	:	
Defendants.	:	
_____	:	

**THE COURT** notified the plaintiff that the Complaint would be dismissed on August 11, 2009, unless the plaintiff established that service had been effected. (See dkt. entry no. 2, 7-28-09 Order.) It is now established that service has been effected on 15 of the 19 defendants. (See dkt. entry no. 3, 7-31-09 Notice of Appearance.) But the plaintiff has failed to establish that service has been effected upon the four defendants listed as (1) "Deputy Court Administrator on the North Brunswick Municipal Court", (2) Sheral Rossmann, Administrator of the North Brunswick Municipal Court, (3) North Brunswick Municipal Court, and (4) North Brunswick Township ("North Brunswick Defendants").

**THIS ACTION**, which was commenced on March 30, 2009, has now been pending for 120 days without the plaintiff having served the North Brunswick Defendants, and thus the Court, inter alia, "on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice" insofar as it is brought against

the North Brunswick Defendants. Fed.R.Civ.P. 4(m) (emphasis added); see Sykes v. Blockbuster Video, 205 Fed.Appx. 961, 963-64 (3d Cir. 2006); Liu v. Oriental Buffet, 134 Fed.Appx. 544, 546 (3d Cir. 2005). The Court will therefore dismiss the Complaint for the plaintiff's failure to comply with Federal Rule of Civil Procedure 4(m) as to the North Brunswick Defendants. For good cause appearing, the Court will issue an appropriate order and judgment.<sup>1</sup>

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s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge

Dated: August 14, 2009

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<sup>1</sup> The Court notes that whether the plaintiff "did or did not receive the District Court's . . . order which directed . . . compl[iance] with Rule 4 is irrelevant; [the plaintiff] was still expected to comply with the rules of procedure". Sykes, 205 Fed.Appx. at 963.